

IC 13-20.5-7

Chapter 7. Department Duties

IC 13-20.5-7-1

Department adoption of forms and procedures

Sec. 1. (a) The department shall:

(1) subject to subsection (b), adopt forms for use by manufacturers, collectors, and recyclers for all registration statements, certifications, and reports required by this article; and

(2) establish procedures for:

(A) receipt and maintenance of the registration statements and certifications filed with the department under IC 13-20.5-1; and

(B) making the statements and certifications easily available to manufacturers, retailers, and the public.

(b) The department is not required to adopt forms under subsection (a) by rule.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-2

Department calculation of estimated sales of video display devices

Sec. 2. Before June 1, 2010, and before June 1 of each year thereafter, the department shall calculate estimated sales of video display devices sold to households by each manufacturer during the immediately preceding calendar year, based on national sales data.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-3

Recommendations to reduce revenue if revenue exceeds requirements

Sec. 3. If the revenues in the electronic waste fund established by IC 13-20.5-2-3 exceed the amount that the department determines is necessary for efficient and effective administration of this article, the department shall recommend to the general assembly in a report submitted in an electronic format under IC 5-14-6 that:

(1) the registration fee under IC 13-20.5-2-1(a); or

(2) the proportion of sales of video display devices required to be recycled under IC 13-20.5-4-1;

be lowered to reduce revenues collected in the subsequent state fiscal year by the estimated amount of the excess.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-4

Department report on program implementation

Sec. 4. (a) Before August 1, 2013, and before August 1 of each year thereafter, the department shall submit a report concerning the implementation of this article to:

(1) the general assembly in an electronic format under IC 5-14-6;

- (2) the governor;
- (3) the environmental quality service council established by IC 13-13-7-1; and
- (4) the Indiana recycling market development board established by IC 4-23-5.5-2.

(b) For each state fiscal year, the report submitted under subsection (a):

- (1) must discuss the total weight of covered electronic devices recycled in the state fiscal year and a summary of information in the reports submitted by manufacturers and recyclers under IC 13-20.5-3;
- (2) must discuss the various collection programs used by manufacturers to collect covered electronic devices, information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers, and information about covered electronic devices, if any, being disposed of in landfills in Indiana;
- (3) must include a description of enforcement actions under this article during the state fiscal year; and
- (4) may include other information received by the department regarding the implementation of this article.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-5

Department public education and outreach

Sec. 5. The department shall promote public participation in the activities implemented under this article through public education and outreach efforts.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-6

Department collection of data and use to determine fee

Sec. 6. (a) The department shall collect the data submitted to it annually by each registered manufacturer on:

- (1) the total weight in pounds of each specific model of video display device sold to households, if provided;
- (2) the total weight in pounds of video display devices sold to households;
- (3) the total weight in pounds of covered electronic devices collected from covered entities that are recycled; and
- (4) data on recycling credits, as required under IC 13-20.5-3-1.

(b) The department shall use the data described in subsection (a) to determine the manufacturer's variable recycling fee under the formula in IC 13-20.5-2-1.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-7

Department estimation of sales; use of data to verify fee

Sec. 7. The department shall estimate, for each registered manufacturer, the sales of video display devices to households during

each calendar year, based on:

(1) data provided by a manufacturer on sales of video display devices to households, including documentation describing how that amount was calculated and certification that the amount is accurate; or

(2) if a manufacturer does not provide the data specified in subdivision (1), national data on sales of video display devices.

The department shall use the data specified in this section to review the determination of each manufacturer's variable recycling fee to ensure that the fee was calculated accurately according to the formula in IC 13-20.5-2-1.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-8

Department may participate in organizations and compacts

Sec. 8. The department may participate in or join a regional multistate organization or compact to assist in implementing this article.

As added by P.L.178-2009, SEC.27.

IC 13-20.5-7-9

Department evaluation of national program and regional agreement

Sec. 9. If a national electronic waste program is implemented that is similar to the program established under this article, the department shall review, evaluate, and compare the national program, the program established under this article, and any regional agreement the department has entered into under section 8 of this chapter.

As added by P.L.178-2009, SEC.27.